

REMARKS

Claims 12-20 are present in the application. Claims 1-11 have been cancelled without prejudice or disclaimer. Claims 18-20 have been newly added.

Applicants herein elect Group III for examination on the merits with traverse.

Claims 18-20 have been newly offered as generic to Groups II and III. It is respectfully requested that elected Group III be expanded to include new claims 18-20.

With regard to the restriction requirement, the Examiner has grouped the claims as follows:

Group I: Claims 1-11 drawn to computer system with system management mode (SMM); Claims in Group I have been cancelled.

Group II: Claims 12-13 drawn to a method in a rack computer system;
and

Group III: Claims 14-17 drawn to a telecommunications system

comprising plural gateways.

Applicants respectfully submit that the Restriction Requirement should be withdrawn in view of the cancellation of the claims of Group I, the amendment of Group II claims to eliminate the term "rack", and the newly added claims 18-20 offered as generic to Group II and Elected Group III.

For a restriction requirement to be proper the Examiner must show distinctive inventions are being claimed as well as a serious burden on the Examiner if the application is not restricted. Here, Applicant notes no substantial distinctions between Groups II and III which would necessitate a serious burden. Indeed, both groups are related to microprocessors having a system management mode (SMM) operating at a firmware level independent of an operating system, wherein the SMM saves state information to be used to speed up resetting of the system after a detected malfunction. As discussed on page 1 of the application, the Intel x86 family of microprocessors include SMM. Embodiments of the invention are directed to a novel use of SMM within a larger system of connected components.

It would seem reasonable that a prudent search for either Group II or III would overlap and be co-extensive.

Further, the burden on the Applicant is believed to outweigh any burden there may be on the Examiner to search the two embodiments of the invention, particularly since the searches would be co-extensive. Restriction

would be unduly burdensome to Applicant, not only in time, but also in money, particularly considering that with the current filing and maintenance fee schedule.

Considering these factors, it is respectfully submitted that the restriction requirement should be withdrawn since Groups II and III are indeed related. Moreover, the Examiner is respectfully requested to weigh the great burden a restriction would have on Applicant and withdrawal the restriction requirement.

The above notwithstanding, newly added claims 18 is directed to a system having one or more microprocessors each having SMM and a controller communicating with the SMMs. Claim 19 sets forth that the microprocessor are part of a VoIP telecommunication system similar to claims in Group III, and newly added claim 20 sets forth that the microprocessors are part of a rack computer system, similar to claims in Group II. The difference between the Groups really being the location of the microprocessors (e.g. distributed over a telecommunication system or closer together in a rack).

Should the restriction requirement be made final, upon allowance of generic claims 18-20, the non-elected claims of Group II should be entitled to consideration.

Application No. 10/056,949
Amendment dated December 6, 2004
Response to Office Action of August 23, 2004

Atty. Docket No. 042390.P13511
Examiner: Aaron D. Matthew
TC/A.U. 2114

In view of the foregoing, it is respectfully requested that the restriction requirement be withdrawn and examination on the merits of all claims proceed. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

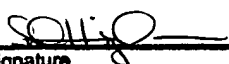
Respectfully submitted,

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